



IG Newsletter

Volume 3, Issue 1

January, 2000

Army Physical Fitness Test

By SFC Martha E. McClelland

The intent of the APFT in the Army Physical Fitness Program is to provide a periodic assessment of a viable physical fitness program. The purpose of physical fitness testing is to give soldiers an incentive to stay in good physical condition and to allow commanders a means of assessing the general fitness levels of their units. **The APFT will not form the foundation of unit or individual fitness programs.**

IAW AR 350-41, active Army and Active Guard/Reserve Soldiers will take the APFT at least twice a year with a minimum of 4 months separating record tests, if only two record tests are given. Commanders may administer the APFT as often as they wish (for record or practice); however, they must specify beforehand when the results are for record purposes. Commanders should schedule APFTs in their short range training plans. Many distractors prevent a perfect spacing between APFTs, however, having more than 6 months pass without an APFT is not consistent with Army intent. Commanders will flag soldiers that fail to take the APFT within the required time and soldiers who fail a record APFT for the first time in accordance with AR 600-8-2. Soldiers who fail a record APFT should be counseled in writing and will retest 3 months following the initial failure, or sooner, if the soldier and commander believe he/she is ready.

continued on page 2

Suspension of Favorable Actions

By SFC Tommy R. Edwards

A Suspension of Favorable Actions, better known as a "flag", is one of the many tools available to commanders to minimize or eliminate the possibility of a soldier who has failed to meet an Army standard or committed an offense from receiving a favorable action. This also supports the Army's personnel life-cycle function of sustainment. This allows the commander the time to process actions against a soldier, when necessary. The flag can also be of benefit to some soldiers that need additional time to meet an Army standard, before being eliminated from the Army.

There are two categories of flags that are submitted when an unfavorable action or investigation (formal or informal) is started against a soldier by military or civilian authorities. The two categories are described below. The first type of flag is called a non-transferable flag. This simply means that in most cases the non-transferable flag may not be transferred to another unit. The second flag is called a transferable flag, and can stay in place when the soldier moves from one unit or installation to another. When a soldier is reassigned to another command with a transferable flag, the gaining commander becomes responsible for reviewing the flag and the removal of the flag as required.

There are several circumstances that require the commander to initiate a non-transferable flag. They can vary from pending charges, investigation, administrative reduction, letter of admonition, letter of censure, letter of reprimand, or non-judicial punishment.

There are also cases when the commander will initiate a transferable flag. This can in many cases be of benefit to the soldier, because it allows the soldier the opportunity to overcome the negative and continue his/her career. A transferable flag is used when DA has directed the move of the soldier, movement of an adverse action into the punishment phase, failure to pass the Army Physical Fitness Test (APFT) or failure to take the APFT within the required period, entry into Weight Control Program, or a referred officer evaluation report (OER) when on a promotion list.

Once the commander has made the decision to flag a soldier, there are several things that must be remembered. Always initiate a separate flag for each investigation, incident, or action.

continued on page 3

INSIDE THIS ISSUE

- 1 Army Physical Fitness Test
- 1 Suspension of Favorable Actions
- 2 Noncommissioned Officer Evaluation Report (NCOER) Appeals
- 4 Family Advocacy
- 5 Temporary Physical Profiles?
- 6 The Unit Coin
- 7 Don't Ask, Don't Tell

(Army Physical Fitness Test- Con't)

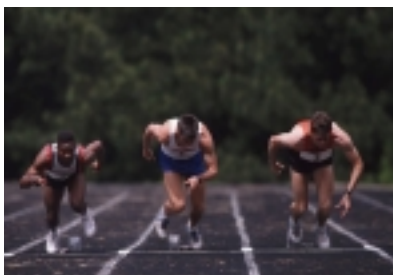
All events in a record APFT must be completed in the same day. IAW AR 350-41, units will conduct APFT events in the following order: push-up; sit-up; and two mile run.

Soldiers with medical profiles that preclude taking the push-up or sit-up event or both, will take the remaining events, if a physician or physician's assistant approves. The 2-mile run event however, or an approved alternate test event as outlined in FM 21-20, must be taken if the test is to count for record. The alternate test is primarily designed for soldiers with permanent physical profiles which preclude them from taking the 2 mile run; however, soldiers with **temporary profiles** of long duration (more than 3 months) may also take an alternate test if approved by the commander after input from health care personnel. Soldiers must be given 3 months to prepare for the alternate test from either the date of the profile or the date recommended by health care personnel.

Commanders have the following responsibilities regarding the APFT. Schedule and conduct APFTs for soldiers in their units. Inform soldiers prior to testing that an APFT is for record purposes. Flag soldiers that fail their first APFT or fail to take the APFT in the required time period. Initiate action (separation or bar-to-reenlistment) against soldiers that are repetitive APFT failures. IAW AR 350-41, a repetitive failure occurs when a record test is taken and failed, the soldier is provided adequate time and assistance to improve his or her performance, and failure occurs again. See AR 635-100 for those officers who have incurred a statutory active duty service obligation because of participation in an Army sponsored educational or training program.

Commanders should become familiar with the following regulations. AR 340-51, Training in Units, 19 Mar 99. AR 600-8-2, Suspension of Favorable Personnel Actions, 30 Oct 87. AR 601-280, Total Army Retention Program, 31 Mar 99. AR 600-8-24, Officer Personnel, 21 Jul 95. AR 635-200, Enlisted Personnel, 26 Jun 96. FM 21-20, Physical Fitness Training, 28 Aug 92.

If you have any questions on the APFT, consult your Unit Master Fitness Trainer or Squadron/Battalion S1.



Noncommissioned Officer Evaluation Report (NCOER) Appeals

By SFC Gloria F. Krauklis

Occasionally soldiers find themselves in a position that requires them to initiate an appeal to either their evaluation report or their academic evaluation report. These reports may have administrative errors or may not accurately record the NCO's potential or the manner in which the duty was performed. The appeals system is in place to protect the Army's interest and ensures fairness to the NCO. At the same time, it avoids questioning the integrity or judgment of the rating officials without sufficient cause. The decision to initiate an appeal does not delay the submission of the original NCOER.

There are several hundred thousand evaluation reports written upon noncommissioned officers each year. Historically, the vast majority of those who render evaluations discharge this important responsibility with due care and consideration in accurately recording the performance and potential of their subordinates. However, there are normally some rating officials who have not written evaluation reports as accurately and objectively as intended in the governing regulations. For that reason, the following information is provided to assist you as the commander in providing accurate guidance to your soldiers who feel the need to initiate an evaluation appeal.

A successful appeal depends largely on the effort put forth by the appellant. The best evidence is obtained from third parties that were in a position to observe the rated NCOs performance during the contested period. Inspection results, investigation findings, individual awards or other documents attesting to the NCOs performance during the rated period may also be useful in supporting some or all of the soldier's contentions. Appeals based solely on statements from rating officials claiming administrative oversight or typographical error will normally be returned without action unless accompanied by additional substantiating evidence.

Because evaluation reports are used for personnel management decisions, it is important to the Army and the NCO that an erroneous report be corrected as soon as possible. As time passes, people forget and documents and key personnel are less available. Consequently, preparation of a successful appeal becomes more difficult.

Substantive appeals must be submitted within 5 years of the NCOER's completion date. Failure to submit an appeal within this time may be excused only if the appellant

continued on page 3

(NCOER Appeals - Con't)

provides exceptional justification to warrant this exemption, for example, extended hospitalization.

Administrative appeals will be considered regardless of the period of the report and a decision will be made in view of the regulation in effect at the time the report was rendered. However, the likelihood of successfully appealing a report diminishes, as a rule, with the passage of time. **Prompt submission is recommended.**

Ultimately, the burden of proof rests with the appellant.

If a soldier receives an evaluation report that he firmly believe is an inaccurate or unjust evaluation of his performance and potential, or one that contains administrative errors, that report may be a candidate for an appeal. Likewise, a report that was not rendered in accordance with the Army Regulations in effect at the time of preparation may be considered for appeal.

If a soldier is simply dissatisfied with receiving a report only because he believes it should be better, he should be aware that it is very difficult to successfully challenge the judgment of your rating officials. Clean and convincing evidence would be necessary to prove he deserves better. Even if successful, the relief granted would probably be to remove only the portions proven inaccurate or unjust, rather than raising the scores or block placements.

Prior to submission of an appeal the soldier should prepare the entire package for review by a disinterested third party. The case must be logical, well constructed and as fully documented as possible.

Soldiers should also consider seeking guidance from the servicing PSB, SJA legal advisor, or career management officials.

Soldiers should reference AR 623-205, Noncommissioned Officer Evaluation Reporting System, for guidelines and procedures for preparing an appeal. Specifically Chapter 4, Appendix F and figures F-1 through F-6 explain the appeals procedures in detail.

Soldiers can also refer to the Enlisted Records Evaluation Center homepage on the internet that will allow them to download an appeals guidance package with the latest information.

Links to the regulation and EREC homepage are provided in the left column in addition to the link directly to the appeals guidance package.

(Suspension of Favorable Actions - Con't)

The commander has the authority to direct the flagging action. The effective date of the flag must be the date of the incident or the date the commander initiates the specific action, whichever is earlier. Once the action is initiated, the unit commander has the responsibility of ensuring that the soldier is notified of the flag and that all favorable actions will be withheld.

Some soldiers eventually overcome the circumstances that caused their status to change from favorable to unfavorable and required the use of a flag. In those cases the command has the responsibility to ensure that the flag is removed as soon as possible. This will ensure that if the soldier is pending any favorable action, it can be processed. The commander will direct that the flag be removed. The effective removal date will be the date that the soldier's status changes from unfavorable to favorable. In the event there is a conflict in determining the effective date of the flag removal, the first general officer in the soldier's chain of command will determine the effective date.

Flags are an administrative tool available to the commander and it is important that the commander use them fairly and equitably within the unit. Commanders should take an active role in monitoring the process to ensure that soldiers who have stumbled and are capable of recovering and becoming a productive member of the organization, get that chance. At the same time, commanders should utilize the process, granting themselves the time needed to process the soldiers who need that additional guidance. If you have additional questions, contact SFC Edwards @ 531-2100/7878 or refer to AR 600-8-2.

NCOER Appeals - Con't)

Links To References:

AR 623-205, Noncommissioned Officer Evaluation Reporting System http://books.usapa.belvoir.army.mil/cgi-bin/bookmgr/BOOKS/R623_205/CCONTENTS

Enlisted Records Evaluation Center
<http://www.perscom.army.mil/erec/default.htm>

Appeals Guidance Package
<http://www.perscom.army.mil/erec/neb.htm - corner>

Family Advocacy

By SFC Matt Weegens

The Family Advocacy Program (FAP) is a mandatory Army program that falls directly under the Garrison Commander. Family Advocacy is covered in Army Regulation (AR) 608-18 and in Department of Defense (DOD) Directive 6400.1. Family Advocacy has two purposes: Prevention and Treatment. The responsibility of reporting family violence belongs to whoever sees it.

The whole post working together can defeat/prevent family violence. Everyone on post has a responsibility in the FAP. It is up to the Garrison Commander to work cooperatively with the Chief of Social Work Services (C, SWS). The Garrison Commander must ensure that there is a 24 hour reporting point of contact (POC). The unit commanders have the responsibility to attend classes provided for them on spouse and child abuse, schedule time for soldiers to attend unit awareness classes, be familiar with FAP, report suspected cases, attend or designate 1SG to attend CRC cases when their soldiers are involved, support and comply with CRC recommendations.

MEDDAC provides the necessary treatment needed for the person involved in the FAP. They ensure that all abuse cases brought to their attention at the hospital are reported to CID or the MPs. The MEDDAC also ensures that all medical follow-up care is provided to victims and perpetrators.

Treatment is also provided by SWS through group counseling, marriage counseling, and after-hours treatment groups. There is always a social worker available 24-hours a day to accept reported cases of abuse.

Family Advocacy personnel are responsible for the preventive part of the FAP. They assist the GC with addressing problems of Family Violence, provide information and education on Family Violence, target high risk groups and treat families in order to strengthen skills, and prevent re-occurrence.



Reported cases of family violence are sent before a Case Review Committee (CRC). This committee consists of professionals from several areas of law enforcement and medical treatment along with social workers. Members of this board are from SWS, FAP Manager, Pediatrics, Family Practice, SJA, Case Manager, Provost Marshall, CID and Chaplains office. Non-voting members come from Office of Community Services, Unit Commander, Victim Advocate Coordinator and New Parent Support Program. When a case of abuse is sent before the CRC and determined to be substantiated it sets to work a specific timeline of activities that must be completed in accordance with specified guidelines.

If a case is substantiated, it is then reviewed for appropriate treatment. After 90 days of treatment, the case is reviewed for closure or it may be decided that further treatment is necessary. If the case is unsubstantiated then the case is to be destroyed.

In conclusion, remember this - it is everyone's responsibility to report abuse. We can only overcome this problem through educating and community involvement. **DON'T IGNORE IT...REPORT IT!!!!!!**

Temporary Physical Profiles

By SFC Ward A. Miller

Everyday, commanders have the challenge of dealing with soldiers who have temporary profiles and, inevitably, soldiers will receive temporary profiles everyday.

Temporary profiles are intended to allow soldiers to properly recover from an illness or injury that prohibits the soldier from participating in certain activities based on the illness or injury. Commanders must consult with medical personnel to determine what physical training and/or duty requirements the profiled soldier **can perform**, if there is a question based on how the profile is written. Further, the intent of the profile is to assist the soldier in returning him/her to duty in the fastest, safest manner possible.

Soldiers should continue to perform their normal duties to the maximum extent permitted by their profile.



A profile, however, does not constitute a blanket authority to miss PT or avoid normal duty. Commanders should provide profiled soldiers with guidance on reconditioning exercises and diet for the duration of the profile. Consultation with medical personnel and the unit Master Fitness Trainer is recommended. If the soldier has a profile that prohibit running the commander should provide an alternate aerobic activity for the soldier involved based on his limitations.

Personnel with medical profiles that preclude taking the push-up or sit-up event, or both, will take the remaining events, if a physician or physician's assistant approves. The 2-mile run event, however, or an approved alternate test event as outlined in FM 21-20, must be taken if the test is to count for record. Once the profile period ends, the soldier must be given twice the time of the profile (up to 90 days) to train for the APFT. If a normally scheduled APFT occurs during the profile period, the soldier should be given a mandatory APFT makeup date.

DISCLAIMER:

The Secretary of the Army has determined that the publication of this periodical is necessary in the transaction of the public business as required by law of the Department. The views and opinions expressed in this newsletter are not necessarily those of the Department of the Army or of the command, but wherever possible, are supported by referenced Army regulations, policies or procedures.

Soldiers who have had temporary profiles of long duration (more than 3 months) may also take an alternate APFT if approved by the commander after input from health care personnel. Profiled soldiers must be given 3 months to prepare for the alternate test from either the date of the profile of the date recommended by the health care personnel.

Temporary profiling of soldiers is limited to physicians, dentists, podiatrists, audiologists, physical therapists, physician assistants, nurse midwives and nurse practitioners. However, physician assistants, nurse midwives and nurse practitioners may only award temporary profiles for a period of 30 days or less. Profiles longer than 30 days or extensions of profiles beyond 30 days, except for pregnancy, must be confirmed by a physician.

Careful consideration should be given to each soldier who has a temporary profile to ensure proper recovery from his or her illness or injury.

References for information pertaining to temporary physical profiles are as follows: AR 350-41, Training in Units; AR 40-501, Standards of Medical Fitness; and FM 21-20, Physical Fitness Training. Links to these references are below.

AR 350-41

http://books.usapa.belvoir.army.mil/cgi-bin/bookmgr/BOOKS/R350_41/CCONTENTS

AR 40-501

http://books.usapa.belvoir.army.mil/cgi-bin/bookmgr/BOOKS/R40_501/CCONTENTS

FM 21-20

<http://155.217.58.58/cgi-bin/atdl.dll/fm/21-20/toc.htm>



The Unit Coin

By MAJ Michael Simpson

The unit coin. It's an important part of the commander's award program. To present one offers a unique means of recognizing achievement. To receive one is coveted by soldiers because of its source of pride and ties to the unit's history. Administered correctly the unit coin can enhance the morale, esprit de corps, and cohesion of the unit. So under what conditions can a commander present a unit coin?

New guidance has come down from FORSCOM recently in the form of policy memorandum CG-99-2, Commanders Coin Medallion Awards Program. The policy establishes the FORSCOM Commander's guidelines facilitating the proper use of unit coins in the Command Awards Program. The policy addresses coins that are purchased with official operating funds and not coins that are bought with private funds. The memorandum references AR 600-8-22, Military Awards, AR 672-20, Incentive Awards, and DA Pam 672-20, Incentive Awards Handbook. Among other things the new policy provides additional guidance dealing with when a commander can present, and to whom he/she can present an award. In reference to these, the policy states:

- a. The coin may not be presented to peers or supervisors of the awarding officer or noncommissioned officer or as gifts.
- b. The coins should not be routinely presented for an individual performance of his or her regularly assigned duties.



As with all new guidance there is some room for interpretation. However, AR 600-8-22, says that trophies and similar devices (unit coins) may be presented to military members, units, or Department of the Army agencies for **excellence** in accomplishments or competitions which clearly contribute to the increased effectiveness or efficiency of the military unit, that is, tank gunnery, weapons competition, and military aerial competition. Intramural and athletic competitions may also be recognized.

Implementing instructions for these programs are contained in AR 215-1, which states MACOMs or their subordinates may authorize the use of appropriated funds to purchase trophies and similar devices for award to soldiers and units for **excellence** in accomplishments and competitions which contribute to increased effectiveness or efficiency of the military unit.

Additionally, unit coins must bear an inscription identifying them as an award, such as for excellence or in recognition of outstanding performance. Coins purchased prior to 1 Dec 99 that do not bear the appropriate inscription may continue to be awarded until supplies are exhausted. Commanders must ensure, however, that once existing are exhausted, replacement coins bear the appropriate inscription.

The point is, the spirit of the rules dictate that if a commander presents a coin that was purchased with official operating money then it should be given for excellence in accomplishments or competition which clearly contribute to increase effectiveness. The intent is to not give the coins away, as gifts, calling cards or tokens of appreciation. Presenting unit coins should be viewed along the same lines as presenting other Army awards. If you use this as a guide then the unit coin can enhance the morale, esprit de corps, and cohesion of the unit.

Don't Ask, Don't Tell

By Mrs Nancy H. Mantooth

Secretary of the Army Caldera and Chief of Staff of the Army, GEN Shinseki sent the following message concerning the Army's "Don't Ask, Don't Tell" Policy.

Service in our Army is honorable and respected by the citizens of this country. Soldiers who offer their commitment and their lives in this service should and must be treated with dignity, honor and respect. Respect for our fellow soldiers demands that we speak with respect for all. Any derogatory words about any group, including those based upon sexual orientation, that are prejudicial to good order and discipline, may subject the soldier to adverse administrative actions or disciplinary measures under the UCMJ. Every soldier has the right to expect treatment consistent with our core values, a safe and secure environment, and the support of their chain of command. Whenever we violate the trust of any soldier, we violate the trust of all soldiers.

We affirm that treating soldiers with dignity and respect is a bedrock value for the Army. We declare that there is no room for harassment or threats to any soldier in our Army for any reason. Therefore, as the senior leaders of the Army, we are determined to continue to implement the "Don't Ask, Don't Tell" policy with equity and fairness to all of our soldiers.

Finally, we continue to expect that all soldiers in the United States Army will be treated with dignity and respect at all times, and will be afforded a safe and secure environment in which to live and work. Harassment of soldiers for any reason, to include perceived sexual orientation, will not be tolerated. We expect commanders at every level to take appropriate action to prevent harassment of or threats against any member of our Army. Once again we are determined to continue to implement the "Don't Ask, Don't Tell" policy with fairness to all because that is the right thing to do for our soldiers.

Implementing instructions for the Army followed this message.

The essential elements of the Department of Defense policy regarding homosexual conduct are based on Title 10, United States Code, and are unchanged. However, in order to protect fully the rights of all personnel, the following additional guidance is provided.

a. All soldiers will receive refresher training on homosexual conduct policy within 90 days of the date of this message. The Deputy Chief of Staff for Personnel will establish a world-wide-web page with resource material and publish training materials to be used in this

training. These training materials are available at that website: www.odcsper.army.mil.

b. TRADOC has been directed to incorporate institutional training on homosexual conduct policies into all stages of the professional military education (PME) system within 90 days of the date of this message.

c. The Army Inspector General has been charged to specifically inspect homosexual conduct policy training throughout the Army and the Reserve Components beginning February 11, 2000.

d. The Army Judge Advocate General has been tasked to create procedures for installation-level Staff Judge Advocates to use when consulting with senior legal officers on cases involving homosexual conduct.

e. Verbal admission of homosexuality may be grounds for discharge. Commanders must, however, determine whether admissions are credible. In most cases of homosexual admission, no investigation is required. However, in instances where the commander feels that the admission may not be credible, an inquiry may be appropriate and will be conducted pursuant to AR 600-20. The initiation of any substantial investigation into whether an admission of homosexuality was made for the purpose of seeking separation from the Army and/or whether recoupment of financial benefits is warranted must be approved at the Army Secretariat level. A "substantial investigation" is defined as one that extends beyond questioning the member, individuals suggested by the member for interview, and the member's immediate supervisory chain of command. The Secretary has designated the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA M&RA) as the approval authority for initiation of substantial investigations. Requests for approval will be forwarded through command channels to the ASA (M&RA). No further action will be taken, including processing the soldier for discharge, until either permission for initiating the investigation is denied or permission is granted and the investigation is concluded.

f. All applicable Army regulations will be revised as quickly as possible to reflect this guidance. The Deputy Chiefs of Staff for Operations and Personnel will work to revise AR 350-1 and mandate annual training on the homosexual conduct policy.

5. Finally, in our Army we expect that all soldiers will be treated with dignity and respect at all times, and will be afforded a safe and secure environment in which to live and work. Harassment of soldiers for any reason, to include perceived sexual orientation, will not be tolerated. We expect commanders at every level to take appropriate action to prevent harassment of or threats against any member of our Army. Once again we are determined to continue to implement the DoD homosexual conduct policy with fairness to all because that is the right thing to do for our soldiers.